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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/700,099 | 11/03/2003 | James E. Obert | 200300322-1 | 9577 |
| 22879 | 7590 | 02/22/2005 | EXAMINER | |
| HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | NGHIEM, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/700,099 | Applicant(s) OBERT, JAMES E. | |
| | Examiner Michael P. Nghiem | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 25 is/are rejected.
- 7) ☒ Claim(s) 4-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The term "comprises" (line 2) is an improper legal phraseology.

Claim Objections

2. Claims 1, 3, and 7 are objected to because of the following informalities:

- claim 1, the "adding step" (line 6) does not occur with the "selecting an action step" (line 5) (see specification, page 16, lines 24-29). Thus, either the adding step or selecting step should be deleted from the claim.
- claim 3 lacks a period.

- claim 7, the "recording step" (line 4) does not occur with the "taking action step" (line 6).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Jameson (US 2003/0107597).

Regarding claim 1, Jameson discloses a method (Fig. 3) of analyzing and servicing an imaging device (GUI) comprising:

- receiving data from the imaging device (via 131, Fig. 3);
- determining whether the received data matches existing data (claim 4, lines 2-6);

- upon determining that the received data matches the existing data (claim 4, lines 4-5),
- selecting an action to be taken that correlates with the matched existing data (claim 4, lines 5-6);
- adding the received data to the existing data (paragraph 0241, lines 1-5, Fig. 13).

Regarding claim 2, Jameson discloses:

- converting the received data into a quantifier value (paragraph 0209, lines 1-2, paragraph 0211, lines 1-4);
- wherein the determining step comprises determining whether the quantifier value matches the existing data (paragraph 0210, lines 1-4, claim 4, lines 4-5).

Regarding claim 3, Jameson discloses that

- the existing data comprises a plurality of quantifier value ranges (Fig. 11);
- the determining step comprises determining whether the quantifier value is within one or more of the quantifier value ranges (paragraph 0238, lines 2-5).

Regarding claim 25, Jameson discloses an imaging device service system (Fig. 3) comprising:

- a means (131) for receiving object identifier data from imaging devices (GUIs, paragraph 0029);

- a means for quantifying the object identifier data for the imaging devices into current quantifier values (132);

- a means for comparing the current quantifier values with previous quantifier values to find any matches (140);

- a means for generating an action order in response to finding a match between at least one of the current quantifier values and at least one of the previous quantifier values (150).

Allowable Subject Matter

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 7-19 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

6. Claims 20-24 are allowed.

Reasons For Allowance

7. The combination or method as claimed wherein calculating a probability value indicating a degree of confidence that the selected action to be taken is a correct

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action to be taken (claim 4) or adding together units of the received data to form the quantifier value (claim 5) or receiving feedback regarding a condition of the imaging device and a service action taken to change the condition and correlating the feedback with the received data (claim 6) or calculating a quantifier value from the object identifiers and recording the quantifier value and taking action in response to a condition of the imaging device (claim 7) or a quantifier value calculator connected to the object identifier data input to receive object identifier data from which a quantifier value is calculated (claim 20) is not disclosed, suggested, or made obvious by the prior art of record.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Michael Nghiem', is written over a horizontal line.

MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

February 17, 2005